



<http://le.utah.gov>

Utah State Legislature

Senate • Utah State Capitol Complex • 320 State Capitol
PO Box 145115 • Salt Lake City, Utah 84114-5115
(801) 538-1035 • fax (801) 538-1414

House of Representatives • Utah State Capitol Complex • 350 State Capitol
PO Box 145030 • Salt Lake City, Utah 84114-5030
(801) 538-1029 • fax (801) 538-1908

September 25, 2008

Sen. Carlene M. Walker, Senate Chair
Rep. Todd E. Kiser, House Chair
Transportation Interim Committee
State Capitol Complex
Salt Lake City, Utah 84114

Subject: Driver License Division rule R708-10

Dear Sen. Walker and Rep. Kiser:

In its September 8, 2008 meeting, the Administrative Rules Review Committee discussed a recent change to Driver License Division rule R708-10. Prior to the rule change, there were two classes of motorcycle restrictions: 90cc and under, and 649cc and over. The rule change added a 249cc restriction (copy enclosed).

During committee discussion, it was pointed out that motor vehicle license classifications are established by the Legislature, and committee members suggested that perhaps restrictions on the size of a motorcycle that a citizen is permitted to drive should also be determined by the Legislature, rather than the Driver License Division.

The Administrative Rules Review Committee voted to refer R708-10 to your committee and request that you address the following policy questions:

- (1) whether the new 249cc motorcycle restriction is in the best interests of the citizens of the state; and
- (2) whether restrictions on operating a motorcycle should be established in statute rather than state agency rule.

Please advise us of the result of your discussions. If you have any questions about the issue, please contact us or our staff, Art Hunsaker or Susan Creager Allred. They can be reached at 538-1032.

Thank you for your time and consideration of this matter.

Sincerely,

Senator Howard Stephenson, Chair
Administrative Rules Review Committee

Representative Ben C. Ferry, Chair
Administrative Rules Review Committee